



# City of Santa Barbara

## ZONING INFORMATION REPORTS (ZIRs)

### COMMON QUESTIONS

#### **What is a Zoning Information Report?**

A Zoning Information Report (ZIR) is required for every transfer of residential property, see below for limited exceptions, per Santa Barbara Municipal Code §28.87.220. The requirement for a ZIR cannot be waived by the property owner or potential buyer. If a property is transferred without the required ZIR, the property owner of record will be required to obtain an “after the fact” ZIR and may be subject to twice the current ZIR application fee. The purpose of the ZIR is to provide information to the potential buyer regarding the zoning and permitted use of the property based on a physical site inspection and records research. The ZIR inspector is neither a building inspector nor a licensed surveyor and the ZIR will not include a review of compliance with the Building Code nor confirm the exact location of property lines.

#### **What residential sales are exempt from obtaining a ZIR?**

1. The first sale of each separate residential building located in a subdivision where the final subdivision or parcel map has been approved and recorded in accordance with the Subdivision Map Act not more than two (2) years prior to the first sale;
2. The sale of any residential property on which a new home is under construction pursuant to a valid building permit;
3. The sale of any residential property where the final building permit inspection on a new home was issued within three (3) months of the date on which the owner entered into the agreement for the sale of a home to the buyer; or
4. The sale of a condominium unit.

#### **Is there an exception for a “short sale” or a bank owned property?**

No. Short sales, foreclosures, or transfer of bank owned properties are subject to the same regulations and require a ZIR.

#### **When do I need to get a ZIR?**

The Santa Barbara Municipal Code requires a property owner to submit an application to the City for a ZIR within five days of entering into an agreement of sale of a residential property. However, a property does not have to be in escrow for an owner to request a ZIR. The City encourages property owners to submit an application for a ZIR as soon as they are preparing to sell or list their property. Every attempt is made by the City to complete a ZIR within 10 working days after the application is received by the City.

The property owner or authorized agent is required to provide a copy of the ZIR to the potential buyer at least three days prior to the transfer of the property. Proof of receipt of the ZIR must be submitted to the City prior to the transfer of the property.

#### **How do I apply for a ZIR?**

A ZIR application can be obtained on the City’s website at [www.SantaBarbaraCA.gov/PlanningHandouts](http://www.SantaBarbaraCA.gov/PlanningHandouts) and click on the Zoning Information Report (ZIR) Application, or by visiting the City’s Planning and Zoning Counter at 630 Garden Street. The ZIR application can be submitted in person at the City’s Planning and Zoning Counter, by mail (City of Santa Barbara – Planning Division; P.O. Box 1990, Santa Barbara,

CA 93102-1990), or by FAX at (805)564-5374. The application fee must be submitted with the ZIR application.

### **How much is the application fee for a ZIR?**

The fees are set by the City Council and updated on July 1st of each year. For the current fees, contact Planning and Zoning Counter staff at (805) 564-5578 or go to [www.SantaBarbaraCA.gov/PlanningHandouts](http://www.SantaBarbaraCA.gov/PlanningHandouts). You may also visit the Planning Counter in person at 630 Garden Street.

### **What information is provided in a ZIR?**

Information contained in the ZIR includes, but is not limited to:

- Address, assessor parcel number, zoning designation, and permitted uses of the property
- Legal use of property as indicated in City records (street and planning files, and archive plans)
- Previous City approvals (variance, special use permit, modifications, etc.)
- Special restrictions in use or development applicable to the property
- Any noticeable nonconformities or violations of City ordinances including but not limited to:
  - Illegal dwelling units
  - Illegal conversion or new construction of floor area or conditioned space
  - Encroachments into required setbacks or required open yard
- Results of the physical site inspection
- Sewer Lateral Inspection - The ZIR contains a clause notifying buyers that sewer laterals are the property owners' responsibility and strongly encourages having the laterals inspected before closing escrow.

### **What information sources does the City use in the preparation of a ZIR?**

Information sources include, but may not be limited to: street and planning files; archive plans; Sanborn Maps; aerial and historic photographs; City of Santa Barbara Architectural & Historic Resource Survey; and the County of Santa Barbara Residential Building Record (when supplied by the property owner). The ZIR will indicate what information sources were utilized in the preparation of the ZIR for your property.

### **When can I expect to receive the final ZIR?**

The City's goal is to provide the final written ZIR within three *working* days of the site inspection. The final ZIR is emailed to the person identified on the submitted ZIR application form. If this date cannot be met, the ZIR Inspector will contact the owner and/or agent to explain the reason for the delay. Delays are usually due to the need for additional information or records (such as County Assessor records) from the property owner.

### **How long is a ZIR valid? Can an extension be granted?**

A ZIR is valid for one year from the date of the issuance of the ZIR or until the next transfer of title occurs, whichever is sooner. The report date (date of issuance) is included on the first page of the ZIR. You can apply for a one-year time extension prior to the expiration of the current ZIR. An additional physical inspection and application fee will be required.

### **What happens if a violation(s) is found?**

For the purposes of a ZIR, the City classifies violations as either “major” or “minor.” If any of the following “major” violations are identified in the ZIR, they will be referred to enforcement staff for immediate follow-up and abatement:

- Illegal dwelling units
- Unpermitted floor area (habitable or non-habitable) or conditioned space
- Elimination of required parking
- Unpermitted improvements within 50 feet of coastal bluff
- Violations that pose an immediate health or safety risk

All other violations are considered “minor.” Minor violations are kept on file and required to be abated prior to, or simultaneously with, the first building permit that is obtained by the property owner. If “major” violations are also identified on the property then both “major” and “minor” violations must be abated together. If a “minor” violation is not abated prior to the next transfer of the residential property, it is carried forward on the subsequent ZIR.

### **What if I have general questions regarding the ZIR or site specific questions?**

If you have general questions regarding the findings of the ZIR or information contained within the ZIR, you may contact the City’s Planning and Zoning Counter at (805) 564-5578. If you have general questions regarding permitted uses, the types of alterations/additions that could occur on your property, or what zoning regulations pertain to your property, please contact the City’s Planning and Zoning Counter at (805) 564-5578. You can also obtain information regarding the City’s planning process by visiting the “Planning Central” web page at [www.SantaBarbaraCA.gov/PlanningCentral](http://www.SantaBarbaraCA.gov/PlanningCentral).

You may read the full text of Santa Barbara Municipal Code §28.87.220 (Zoning Information Report) online at: [www.SantaBarbaraCA.gov/Municode](http://www.SantaBarbaraCA.gov/Municode)

### **What if I do not agree with the findings of the ZIR?**

If you do not agree with the findings of the ZIR, please contact the ZIR preparer. Their contact information is contained on the first page of the ZIR. The City encourages property owners to provide any supplemental property information to inform the findings of the ZIR. If you have supplemental information, please submit it to the ZIR preparer.

If after you have discussed your concerns with the ZIR preparer and continue to not agree with the findings/violations noted in the ZIR, you may file a written appeal to the ZIR Supervisor within 10 calendar days of the date of the ZIR. The written appeal may be submitted by mail or email and must state the grounds claimed for the appeal and include any supporting documentation on the specific improvement or content in the ZIR that is in dispute. No fee is required for this appeal if it is filed within 10 calendar days of the date of the ZIR. Staff time to research and resolve any appeals filed after the 10-day period may be subject to the hourly rate fee established by City Council.